

Remarks

Applicant has added new claim 49. Applicant respectfully submits that no new matter was added by the amendment, as all of the amended matter was either previously illustrated or described in the drawings, written specification and/or claims of the present application. (See, pars. 53-59; FIGS. 5a-5c) Entry of the amendment and favorable consideration thereof is earnestly requested.

Claim 19 recites “said medical video instrument inserted into a body cavity and generating an image stream representative of the body cavity and displayed on said touch screen.”

The Examiner has rejected claims 19-31 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0076410 (Beutter et al.) in view of U.S. Patent No. 6,411,851 (Winkler). The Examiner has submitted that Beutter et al. discloses “said medical video instrument inserted into a body cavity and generating an image stream representative of the body cavity and displayed on said touch screen.” (Official Action 7/25/07, p. 2) Applicant respectfully disagrees.

Applicant submits that Beutter et al. teaches that the “display signals generated by the camera control unit 34 are applied to a monitor 36 on which the image the surgeon wants to view is displayed.” (Par. 28) Additionally, as can be seen in Figure 1, “operating room control center 42” is separate and apart from “monitor 36.” (Pars. 28 & 30) Nowhere does Beutter et al. teach or disclose that “an image stream representative of the body cavity and displayed on said touch screen” as recited in claim 19. Rather, Beutter et al. actually teaches away from this limitation teaching that the display signals are applied to a monitor.

Applicant further submits that Winkler also fails to teach or disclose this limitation. As stated previously, Winkler teaches that an IMD (e.g. the pacemaker) is implanted in

the patient and that the “magnetic programming head” is provided to program the IMD. Winkler does not teach that the IMD generates and image stream that is representative of the body cavity or that such an image is displayed on the touchscreen.

Accordingly, because neither Beutter et al. nor Winkler teaches or discloses “said medical video instrument inserted into a body cavity and generating an image stream representative of the body cavity and displayed on said touch screen” as recited in claim 19, but Beutter et al. actually teaches away from this limitation, no combination of these references can render claim 19 obvious.

With regard to new claim 49, Applicant respectfully submits that neither Beutter et al. nor Winkler teach or disclose that “when said touch screen is in the first position, said touch screen is positioned within an interior cavity of said housing and when said touch screen is moved to the second position, the touch screen positioned at least partially outside of said cavity.” Rather, Winkler is limited to disclosing that the touch screen folds downward and lies flat along the outer surface of the housing. There is no interior cavity of said housing within which the touch screen is positioned. In fact, Winkler teaches away from this limitation stating that “[d]isplay unit 206 is disposed on the upper surface of housing 202.” However, Applicant notes that positioning the touch screen within the housing allows the system to be mounted within a rack system as is taught in the originally filed written specification. (Par. 54)

Accordingly, Applicant respectfully submits that claim 49 can not be obvious in view of the cited references as neither reference discloses or teaches “when said touch screen is in the first position, said touch screen is positioned within an interior cavity of said housing and when said touch screen is moved to the second position, the touch screen positioned at least partially outside of said cavity” as recited in claim 49.

It is respectfully submitted that claims 1-10, all of the claims remaining in the application, are in order for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,

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/Wesley W. Whitmyer, Jr./
Wesley W. Whitmyer, Jr., Registration No. 33,558
Steven B. Simonis, Registration No. 54,449
Attorneys for Applicant
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
Tel. 203 324-6155